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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

KEITH TREVON ANDERSON,

Defendant and Appellant.

B302297

(Los Angeles County
Super. Ct. No. GA100092)

APPEAL from an order of the Superior Court of Los Angeles County, Robin Miller Sloan, Judge. Dismissed.

Rachel Lederman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Keith Trevon Anderson was charged with four counts of attempted premeditated murder (Pen. Code, §§ 187, subd. (a), 664).¹ As to each count, Anderson was alleged to have personally used and personally and intentionally discharged a firearm. (§ 12022.53, subds. (b), (c).)

In 2017, Anderson pleaded no contest to three separate counts of assault with a firearm (§ 245, subd. (a)(2)) and, as to one of the counts, admitted a special allegation for personal use of a firearm (§ 12022.5, subd. (a)). The trial court dismissed the original counts and allegations, and sentenced Anderson to a total of eight years in state prison.

On September 7, 2017, Anderson submitted a letter to the trial court in which he argued that he had not been adequately represented at sentencing and that he was eligible for concurrent sentencing. The trial court treated Anderson's letter as a request to modify his sentence and summarily denied it. Anderson did not appeal from that denial.

On September 11, 2019, Anderson again submitted a request for modification of his sentence. Among other things, Anderson argued he qualified for mental health diversion under section 1001.36 and attached medical and psychological records to his request. On September 27, 2019, the trial court treated Anderson's submission as a request to be resentenced under section 18.5, for parole consideration under Proposition 57, and for a hearing to determine his eligibility for mental health diversion under section 1001.36. The trial court summarily denied these requests.

Anderson timely appealed the September 27, 2019 order.

¹ Subsequent statutory references are to the Penal Code.

We appointed counsel for Anderson, who filed a brief setting forth the pertinent factual and procedural history. Counsel did not identify any issues on appeal and requested that we independently review the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436. Counsel notified Anderson that he may submit a supplemental brief and provided a copy of the record on appeal to Anderson. On August 12, 2020, we also notified Anderson that he may, within 30 days, submit a supplemental brief stating any grounds for the appeal or make any arguments he wishes this court to consider.

Anderson did not file a supplemental brief.

Because Anderson appeals from an order denying post-conviction relief, he is not entitled to our independent review of the record pursuant to *Wende*. (*People v. Cole* (2020) 52 Cal.App.5th 1023, 1039, review granted Oct. 14, 2020, S264278; *People v. Serrano* (2012) 211 Cal.App.4th 496, 503; see also *People v. Gallo* (Nov. 19, 2020, E074674) __ Cal.App.5th __ [2020 WL 6790681 at pp. *3-*5 (dis. opn. of Menetrez, J.).) As both his counsel and this court informed him, however, Anderson was entitled to file a supplemental brief. (See *Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 544, fn. 6; *Cole, supra*, at p. 1039; *Serrano, supra*, at p. 503.) When, as here, an appellant does not file a supplemental brief, we may deem the appeal to be abandoned and dismiss the appeal. (See *Cole, supra*, at p. 1039; *Serrano, supra*, at pp. 503-504.)

DISPOSITION

The appeal is dismissed.
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FEDERMAN, J.*

We concur:

ROTHSCHILD, P. J.

CHANEY, J.

* Judge of the San Luis Obispo County Superior Court,
assigned by the Chief Justice pursuant to article VI, section 6 of
the California Constitution.